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No. 89-1946

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

In The

Supreme Court of the United States

October Term, 1989

RALPH ROGER BERGMAN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

To The United States Court Of Appeals For The Tenth Circuit

PETITIONER'S SUPPLEMENTAL BRIEF UNDER RULE 22.6 (JUNE 30, 1980)

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PETITIONER'S RESPONSE TO DEFENDANT'S WAIVER OF HIS RIGHT TO RESPOND

This Petitioner's Supplemental Brief addresses an intervening matter under Rule 22.6 (June 30, 1980, Rule Addition) not available to Petitioner at the time of filing his request for certiorari in this case. (Petitioner believes that the new 1990 Rules identify this privilege under Rule 15).

This intervening matter is Respondent's waiver to answer Petitioner's Brief and charges of obstruction of justice committed by Respondent and the Acting Solicitor General for the United States, Dr. Charles Fried, Esq., before the Supreme Court. Respondent's waiver was filed June

29, 1990, and thus invokes the applicable Supreme Court ruling by the Honorable Justice Douglas in EDDIE DEAN GRIFFITH V. STATE OF CALIFORNIA, 380 U.S. (1965), shown in 85 S.Ct.1229 and cited here in pertinent part:

> " . . . The trial court instructed the jury on the issue of guilt, stating
>
> 610
>
> that a defendant has a constitutional right not to testify. But it told the jury:
>
> > "As to any evidence or facts against him which the defendant can reasonably be expected to deny or explain because of facts within his knowledge, if he does not testify or if, though he does testify, he fails to deny or explain such evidence, the jury may take that failure into consideration as tending to indicate the truth of such evidence and as indicating that among the inferences that may be reasonably drawn therefrom those unfavorable to the defendant are the more probable."
>
> It added, however, that no such inference could be drawn as to evidence respecting which he had no knowledge . . . "

The crime of obstruction of justice before the Supreme Court is "too close to home" in this case for the Justice Department not to try and again protect its employees, thus Respondent's waiver of his right to respond.

In this case Respondent had the requisite knowledge referenced by the Honorable Justice Douglas. Respondent's words are preserved into eternity in the Supreme Court response he filed through Dr. Charles Fried under BERGMAN V. UNITED STATES S.Ct. case #85-44 in October 1985.

The Solicitor General's waiver of his right to respond here on behalf of Respondents as of June 29th 1990, is for a case which includes substantiated charges and proofs on nine counts of obstruction of justice before this Supreme Court by the former Acting Solicitor General of the United States, the Honorable Charles Fried Esq. detailed in Petitioner's motion dated June 8th 1990 for Certiorari.

Respondent did not demand protection under the FIFTH AMENDMENT nor did he plead for sovereign immunity under exception (h) of the Federal Tort Claims Act, 28 U.S.C. Paragraph #2680(h), a privilege that was already invoked by Justice Department Lawyer Beacham O. Brooker in 1984 BERGMAN V. UNITED STATES 567 F.Supp. 460 (D.Colo 1983), affd. 751 F.2d 314 (1984) to protect himself from charges of his fraud and deceit before the U.S.Court of Claims, BERGMAN V. UNITED STATES, Ct.Cl.case #84-78 (1982), Affd.706 F.2d 319 (Fed.Cir.1983) cert. den. 1983.

This was part of the subject of Petitioner's motion for certiorari in Supreme Court case BERGMAN V. UNITED STATES #88-1519, a motion where this Honorable Court was apparently persuaded not to consider the merits by Solicitor General Dr. Charles Fried, as discussed in Petitioner's certiorari motion, case #89-1946 filed June 8th 1990.

BERGMAN V. UNITED STATES S.Ct. #88-1519 dealt with Respondent litigating before the United States Court of Claims, BERGMAN V. UNITED STATES, case #84-78, supra, using prima facie perjury, fraud, deceit, sophistry

and clandestine court document sabotage under sovereign immunity to win over this Petitioner, but the Supreme Court was persuaded by Dr. Charles Fried not to consider the merits of that case.

The Supreme Court should note that Dr. Fried did not have the courage to place his name on his waiver in BERGMAN V. UNITED STATES, case #88-1519, dated March 31st, 1989, at least not on the copy that was transmitted to Petitioner shown in exhibit A attached. His name was revealed to Petitioner through a phone call to the office of Clerk of the Supreme Court and filing date of April 3rd 1989 was indicated.

Just as the filing of Petitioner's motion for certiorari, dated June 8th 1990, was prejudiced against this Petitioner by the Justice department on its filing, so is this response of Petitioner prejudiced on its filing because the very Justice Department officials who were part of the Obstruction of Justice before the Supreme Court in BERGMAN V. UNITED STATES, case #85-44, as charged in Petitioner's brief, are perhaps the same officials who will edit this response of Petitioner, who suspects that these officials will again do all in their power to protect their superiors in the Justice Department and withhold the pertinent facts from the Supreme Court Justice in their edited submission to the Justices.

Lower grade Justice Department Officials working for Courts depend on their Justice Department superiors for their promotions and so they are motivated to protect these superiors in this case by deleting facts damaging to their superiors from the condensed case version which they submit to the Justices, material the Justice use to

vote whether the Supreme Court will consider a case or not.

We recall from Dr. Charles Fried's public statement on CBS "Face The Nation" in 1989 (cited in Petitioner's motion for certiorari file June 8th 1990) where Dr. Fried told the U.S. that he recommends which cases the Supreme Court should consider and which should be rejected. The indicated editing method is perhaps one way of accomplishing this goal.

From the above, it is logical and proper to deduce that by waiving to respond in this case, Respondent fears that a response to Petitioner's motion for certiorari would be self-incriminating for Dr. Charles Fried and for Respondent and thus both prefer to admit that all charges and facts stated by Petitioner are true and are not contested.

If not so, then most assuredly Dr. Fried and his Department would have brought all their power to bear in great law suits against this Petitioner already a long time ago, but (with apologies to innocent Justice Department Officials) the officials cited herein are not motivated to achieve justice.

Believe it or not, Honorable Justices of the Supreme Court, the Honor, Veracity and Integrity of our entire National System of Justice under the United States Constitution is on trial here. If the Supreme Court can knowingly be made victim of bad faith litigation by the Government without there being any recourse for correction, then we have no more constitutional justice in America.

This Petitioner therefore respectfully moves this Honorable Court to either demand of Respondent to answer Petitioner's brief for certiorari in full detail or in the alternative to grant Petitioner's motion for certiorari.

Submitted respectfully,

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EXHIBIT A

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

RALPH ROGER BERGMAN,	)	
	)	
PETITIONER,	)	No. 88-1519
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA	)	
	)	

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

Solicitor General
(Acting)

cc: Ralph Roger Bergman
750 30th Street
Boulder, Colorado 80303

MARCH 31, 1989